

PROCEEDINGS OF THE COMMON COUNCIL  
IN REGULAR SESSION  
TUESDAY, FEBRUARY 23, 1993

CITY OF FORT WAYNE, INDIANA  
JOURNAL OF THE PROCEEDINGS  
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING February 23, 1993, IN Regular SESSION. PRESIDENT Mark E. GiaQuinta IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS \_\_\_\_\_ VIZ:

BRADBURY P, EDMONDS P, GIAQUINTA P,  
HENRY P, LONG P, LUNSEY P,  
RAVINE P, SCHMIDT P, TALARICO P,

ABSENT: \_\_\_\_\_

COUNCILMEMBER: \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_

THE MINUTES OF THE LAST REGULAR February 9, 1993,

SPECIAL \_\_\_\_\_, 19\_\_\_\_\_,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,  
APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular session, held on 23rd day of February, 1993, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 1st day of March, 1993.

Sandra E. Kennedy  
City Clerk



# THE CITY OF FORT WAYNE



Paul Helmke  
Mayor

February 4, 1993

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a street and alley.

The proposed ordinance is designated as:

Bill No. G-93-01-20

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
4th day of February 1992.

A handwritten signature in black ink that appears to read "Robert Hutner".

\_\_\_\_\_  
Robert Hutner  
Secretary

/pb

CC: File

An Equal Opportunity Employer  
One Main Street, Fort Wayne, Indiana 46802

**FACT SHEET**

G-93-01-20

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Utility Easement Vacation

**APPROVAL DEADLINE****REASON****DETAILS****Specific Location and/or Address**

This easement is located between Clinton and Court Streets.

**Reason for Project**

Vacation would allow for potential improvement of the adjacent land without detriment to the community.

**Discussion (Including relationship to other Council actions)**25 January 1993 - Public Hearing

Phil Burt, attorney for the petitioners stated that this was originally an alley that was vacated some 25 years ago. At the time of the vacation the alley was then dedicated for utility purposes. He stated that currently there are no utilities that use the easement, with the exception of GTE. He submitted a letter from GTE which stated that "GTE North Inc has a recorded easement that covers the same city easement that is to be vacated; therefore, GTE will not require an additional easement." He stated that if in the future the property owners wish to construct across the easement, they will have to work out the problems with GTE. He stated that staff has recommended conditional approval, contingent upon the relocation of these easements. He asked Commission to eliminate the words "contingent" and "conditional", for the reason that this easement will probably not surface for 8 or 9 years. He stated that in 8 or 9 years when they review the proceedings, GTE will state that the Commission approved the vacation contingent upon them relocating several million dollars worth of conduits,

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide  Other Areas
Applicants/ Proponents	Applicant(s) Standard Federal Bank  City Department  Other
Opponents	Groups or Individuals  Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  Reason Against
Board or Commission Recommendation	By  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

## DETAILS

and that might put a cramp in any new construction. He stated that GTE has an easement there and they have facilities in the easement. He stated that some day if they have to move them they will address that question at the time. He stated that he felt it would be misleading to say that the approval was conditional or contingent upon the relocating of the easement.

There was no one else present who spoke in favor of or in opposition to the proposed vacation.

1 February 1993 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote.

Motion carried.

## **POLICY/PROGRAM IMPACT**

<b>Policy or Program Change</b>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<b>Operational Impact Assessment</b>		

(This space for further discussion)

**Project Start**      **Date** 23 December 1992

**Projected Completion or Occupancy**      **Date** 2 February 1993

**Fact Sheet Prepared by** **Date** 2 February 1993  
**Patricia Biancaniello**

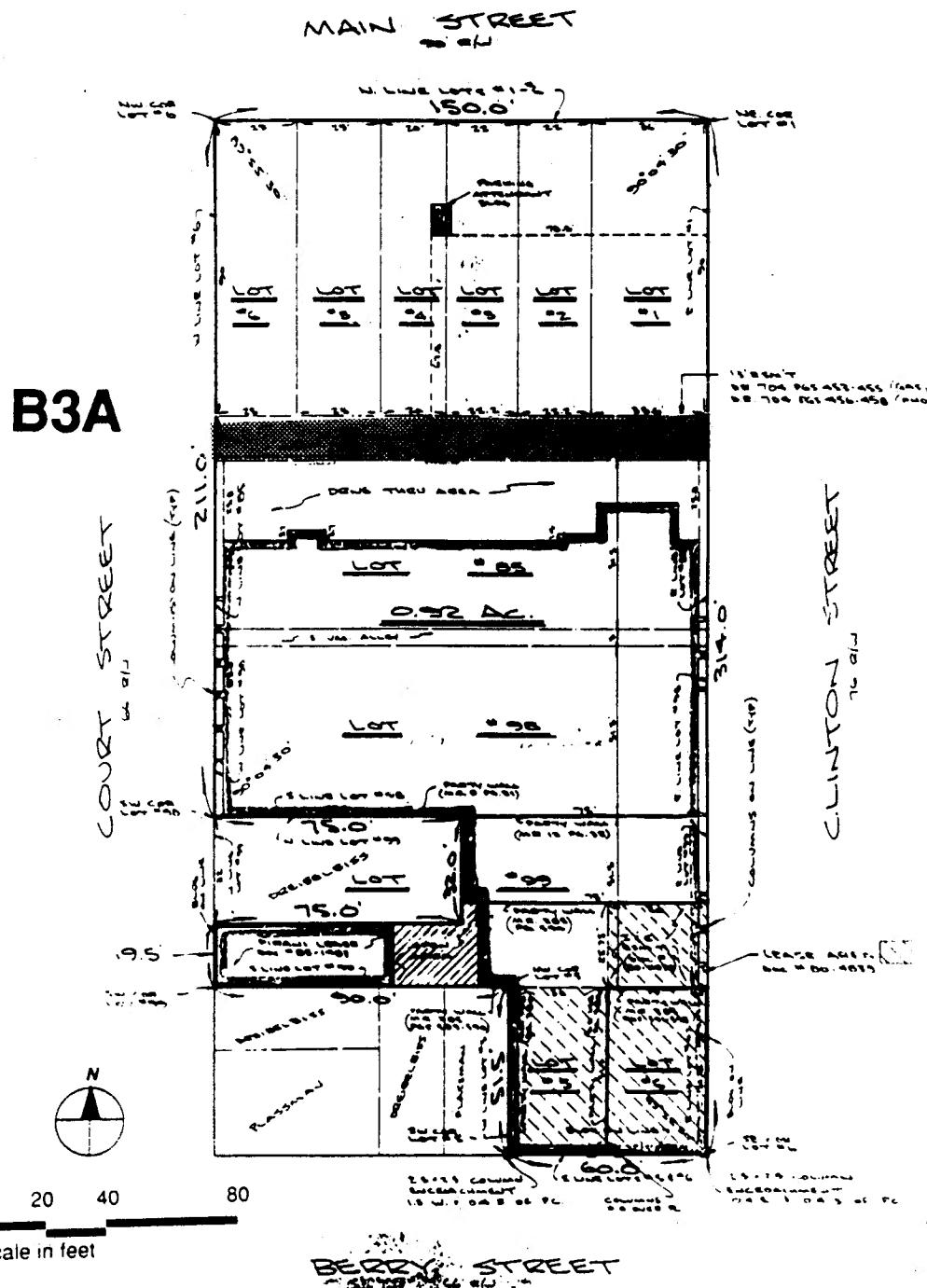
Reviewed by \_\_\_\_\_ Date \_\_\_\_\_

Reference or Case Number

## **VACATION PETITION**

## AREA MAP

**CASE NO. #530**



## COUNCILMANIC DISTRICT NO. 1

Map No. M-6  
LW 12-28-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

J. Phillip Burt, attorney for Standard Federal Bank, requests the vacation of an easement.

Location: This easement is located between Court and Clinton Streets.

Legal: See File

Land Area: Approximately 0.04 acres

Zoning: This area is zoned B-3-A

Surroundings:

North	B3A	Parking lot
South	B3A	Commercial
East	B3A	Commercial
West	B3A	Commercial

Reason for Request: Vacation would allow for potential improvement of the adjacent land without detriment to the community.

Neighborhood Assoc.: None

Comprehensive Plan: No comment.

Neighborhood Plan: No comment.

Landscape: No comment.

**Planning Staff Discussion:**

In approximately 1968 an alley was vacated contingent upon the petitioners providing utility easements as necessary.

Standard Federal Bank owns the property on either side of this easement and would now like to vacate this easement. They state that the easement is no longer needed by the City of Fort Wayne, and that its vacation would allow for potential improved use of the adjacent land without economic detriment to the community.

Staff has no objection to the proposed vacation providing that all utility concerns can be addressed by relocation, abandonment or other means.

Recommendation: Conditional Approval, contingent upon the petitioners providing for utility relocations or abandonment as may be necessary.

1) Approval will not impact potential growth of the City of Fort Wayne.

2) Approval will not impact any adjacent or neighboring property values.

WHEREAS, STANDARD FEDERAL BANK has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

A 13 foot easement over the previously vacated alley (Declaratory Resolution #1212-68), lying immediately North of Lot #85 in the Original Plat and lying immediately South of Bank Subdivision as recorded in the Plat thereof in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

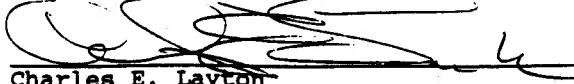
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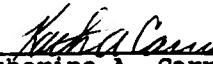
COUNTY OF ALLEN )

I, Charles E. Layton, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held \_\_\_\_\_ and as same appears of record in the official records of the Board of Public Works.

DATED THIS 3 DAY OF FEBRUARY 1993

FORT WAYNE BOARD OF PUBLIC WORKS

  
Charles E. Layton  
Director of Public Works

  
Katherine A. Carrier  
Member, Board of Public Works

  
C. James Owen  
Member, Board of Public Works

RESOLUTION

WHEREAS, STANDARD FEDERAL BANK has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

A 13 foot easement over the previously vacated alley (Declaratory Resolution #1212-68), lying immediately North of Lot #85 in the Original Plat and lying immediately South of Bank Subdivision as recorded in the Plat thereof in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on January 25, 1993 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easement.

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility

shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated utility easement in Allen County, Indiana.

STATE OF INDIANA)

) SS:

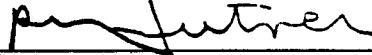
COUNTY OF ALLEN )

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held,

February 1, 1993 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 2nd DAY OF February 1993

FORT WAYNE CITY PLAN COMMISSION

  
\_\_\_\_\_  
Robert Hutner  
Secretary



# THE CITY OF FORT WAYNE



Paul Helmke  
Mayor

February 4, 1993

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a street and alley.

The proposed ordinance is designated as:

Bill No. G-92-08-10

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
4th day of February 1992.

  
\_\_\_\_\_  
Robert Hutner  
Secretary

/pb

CC: File

An Equal Opportunity Employer  
One Main Street, Fort Wayne, Indiana 46802

**FACT SHEET**

G-92-08-10

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Street &amp; Alley Vacation

**APPROVAL DEADLINE****REASON****DETAILS****Specific Location and/or Address**

Madison St between Barr Street & Lafayette St, and the first alley east of Barr Street from Lewis Street to Madison Street.

**Reason for Project**

To expedite service provisions and provide greater safety to clients.

**Discussion (Including relationship to other Council actions)**

17 August 1992 - Public Hearing

(See Attached Minutes of Meeting)

24 August 1992 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation contingent upon the petitioner(s) providing for utility easements or relocations as needed.

**NOTE:** This ordinance has been held until the conditions were satisfied.

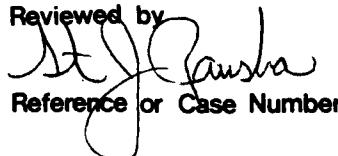
**POSITIONS****RECOMMENDATIONS**

<b>Sponsor</b>	City Plan Commission
<b>Area Affected</b>	City Wide  Other Areas
<b>Applicants/ Proponents</b>	<b>Applicant(s)</b> Lutheran Social Services Inc <b>City Department</b>  Other
<b>Opponents</b>	<b>Groups or Individuals</b>  <b>Basis of Opposition</b>
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  <b>Reason Against</b>
<b>Board or Commission Recommendation</b>	By  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
<b>CITY COUNCIL ACTIONS (For Council use only)</b>	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

**DETAILS****POLICY/PROGRAM IMPACT**

<b>Policy or Program Change</b>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<b>Operational Impact Assessment</b>		

(This space for further discussion)

**Project Start****Date** 1 July 1992**Projected Completion or Occupancy****Date** 4 February 1993**Fact Sheet Prepared by**  
Patricia Biancaniello**Date** 4 February 1993**Reviewed by**  
Reference or Case Number**Date**

4 FEBRUARY 1993

a. Bill No. G-92-08-10 - Vacation Petition #519  
Madison Street between Barr Street and Lafayette Street,  
and the first alley east of Barr Street from Lewis Street  
to Madison Street.

Lawrence Jung, 1145 So Barr Street, appeared before the Commission. Mr. Jung stated that they had filed the petition on behalf of three entities: Lutheran Social Services of Indiana, St. Paul's Lutheran Church, and the Indiana District of Lutheran Church. He stated that he represented the Indiana District of Lutheran Church. He stated that they are the three adjacent property owners to the street and alley to be vacated. He stated that they have four reasons for their request. He stated the first reason is to provide a greater safety and security factor for the people that are served by the three entities. He stated they have day and evening meetings, where they need to at times close off the area. The second reason is the number of day school children at St. Paul's Lutheran School, approximately 200 students that have to cross Madison Street to get to their cars after school is out. If vacated they would just go into the parking area rather than crossing Madison Street. The third reason is the number of trucks that operate out of the Indiana District building. He stated that they operate a resource center for a number of congregations. Almost seven hundred congregations throughout the state buy materials through their resource center. He stated that they have a number of semi-trucks that have to utilize the parking areas and if they had more ways of controlling the area it would be helpful. The fourth reason is that if vacated, this would give them the opportunity to expand their existing buildings, without eliminating parking that is needed for the facilities. He stated that they have considered the possibility of relocating the Indiana District office within the city and even have been asked to consider relocation throughout the state. He stated that they felt they had a strong history within the city of Fort Wayne and they wanted to maintain it, and to maintain a presence downtown. He stated that considering the number of churches they do represent, throughout the city, it would be helpful to have the district office located in the central part of the downtown area. He stated that this vacation would provide the opportunity to maintain, the entire area, in cooperation with these entities. He stated that these entities have worked well in the past in maintaining the property and utilizing the parking that is available. He stated that they would like to master plan the whole area for parking, so that it would be more adequate in the way of lighting and make full use of the space, and more importantly not to disturb the appearance of what St. Paul's Lutheran Church has from Lafayette Street, because it is one of the historical landmarks of the city.

Mel Smith questioned if Madison Street is vacated how would the truck traffic access the property.

Mr. Jung stated that it would still come from Madison Street, they would incorporate a drive into the vacated area.

Richard Radke, Pastor of St. Paul's Lutheran Church appeared before the Commission. Pastor Radke stated that he spoke in favor of the vacation. He stated that they do have a commitment to downtown Fort Wayne. He stated that St. Paul's has been in this location since its founding in 1837, one hundred and fifty-five years ago this year. He stated that they intend to stay. He stated that the school has operated since that same time. He stated that, to his knowledge it is the oldest continuously operated school in the city and the only downtown school in Fort Wayne. He stated that they have a real commitment to stay and they feel that the vacation of Madison Street will enable them to enhance their program in a number of ways. He stated that the overall purpose is to provide the tie-in of the entire area. This would include Lutheran Social Services, St. Paul's Lutheran Church and the Indiana District of Lutheran Church Office. It would tie-in the entire campus area working towards beautification of the area, and they believe, this would be a real good commitment to the community of Fort Wayne.

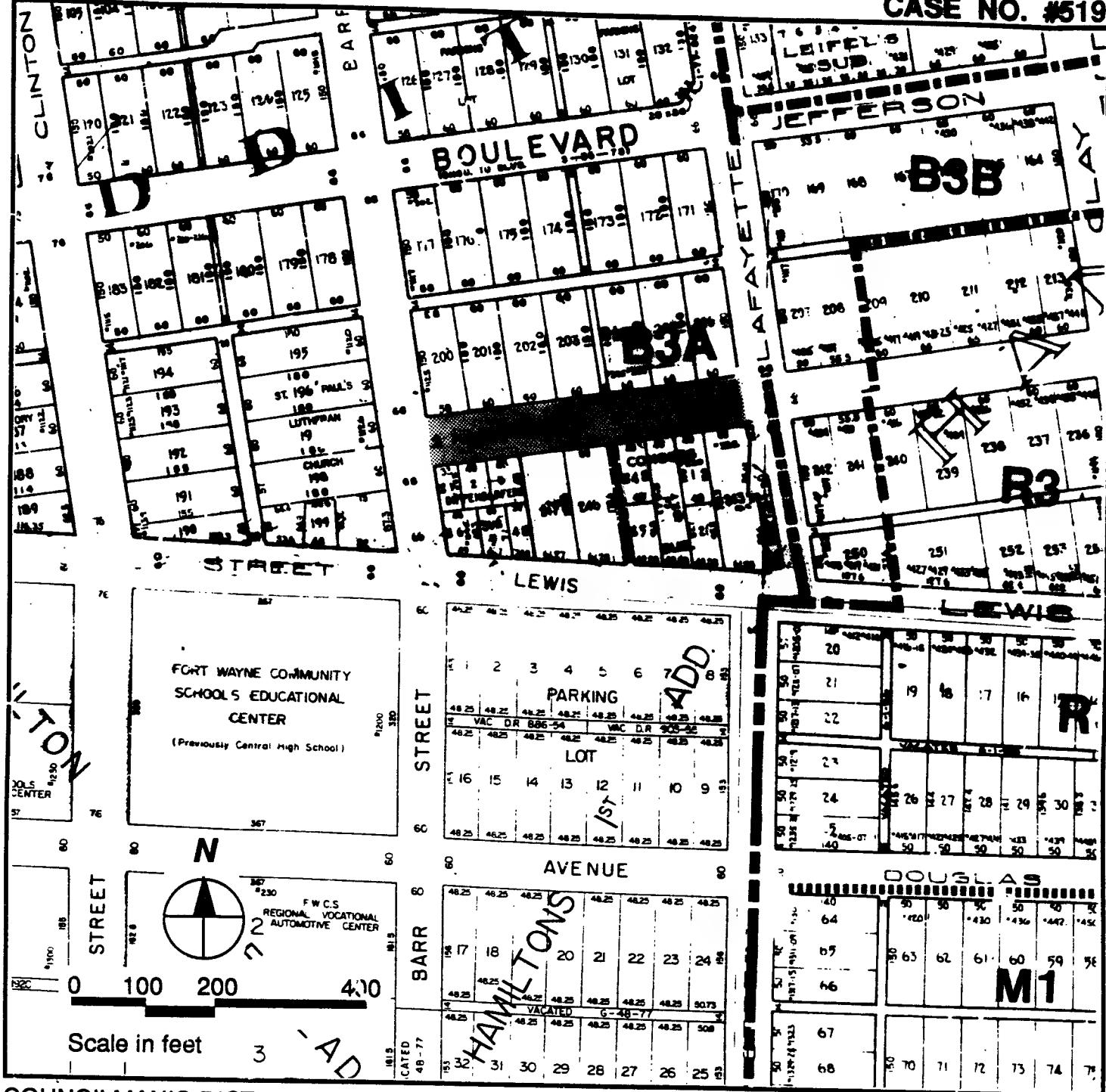
Monty Miller, 1145 So Barr Street a member of the building committee appeared before the Commission. Mr. Miller stated that they are one of 35 districts serving over 230 congregations within the Indiana and Kentucky district. He stated that the Board of Directors gave them a mandate to relocate to Indianapolis or to relocate into another area of Fort Wayne, or to be able to expand where they are. He stated that if they are granted the vacation they will be able to expand where they are and they can make a beautiful campus that will represent this entity for the Fort Wayne area.

There was no one else present who spoke in favor of or in opposition to the proposed vacation.

## **VACATION PETITION**

## AREA MAP

**CASE NO. #519**



## **COUNCILMANIC DISTRICT NO. 1**

Map No. M-6

LW 7-24-92

R1	One-Family	B1	Limited Business
R2	Two-Family	B2	Planned Shopping Center
R3	Multi-Family	B3	General Business
RA/RB	Residential	B4	Roadside Business
PUD	Planned Unit Dev.	POD	Professional Office District

**M1** Light Industrial  
**M2** General Industrial  
**M3** Heavy Industrial  
**MHP** Mobile Home Park

Lutheran Social Services, Inc., St. Paul's Ev. Lutheran Church and  
the Indiana District of the Lutheran Church - Mo. Synod, Inc.  
request the vacation of public right-of-ways.

Location: Madison Street between Barr Street and Lafayette Street, and the first alley east of Barr Street from Lewis Street to Madison Street.

Legal: See file

Land Area: Approximately 0.64 acres

Zoning: This area is zoned B-3-A

Surroundings: North B-3-A Church  
South B-3-A Social Services  
East B-3-A Commercial  
West B-3-A Church

Reason for Request: To expedite service provisions and provide greater safety to clients.

Neighborhood Assoc.: Neighborhood Community Group

Comprehensive Plan: No comment.

Neighborhood Plan: No comment.

Landscape: This street is an axis which terminates into the facade of St. Paul's and is a notable urban feature. Use of Madison could diminish this feature if improperly used. Plans for use of the street space should be filed before approving the vacation.

Planning Staff Discussion:

The properties directly served by Madison Street have joined together in this petition in order that "services provided by the three parties could be better incorporated and provide more safety to those that are served."

Madison Street is located between Jefferson Blvd. and Lewis Street and forms a "tee intersection" at Barr Street. Utility Services are present along this portion of the roadway, and would require either a relocation, or easement grant.

Public streets are within reasonable distances to both the north and south, so that vacation would not appear to seriously hinder any access concerns. Further, there is a slight visual obstruction

for cars traveling east or north bound at the Lafayette Street intersection. Staff discussed this concern with the Traffic Engineering Department, and while they agreed that there was a slight vision problem for motorists, it was not severe enough to warrant barricading the street. They did not, however, indicate that they would be opposed to barricades if the petitioner so desired.

Staff does not feel that this portion of Madison Street is needed for continued growth. Access concerns are primarily directed towards those services who are the petitioners, and alternative through streets are within reasonable distances. We would however encourage the petitioners to review their proposed development plans, and if they elect to physically barricade the Lafayette Street intersection, would suggest incorporating both a permanent curb and landscape buffering.

Recommendation: Conditional Approval contingent upon the petitioners providing for utility easements or relocations as needed, and for the following reasons:

- 1) Approval will not hinder further growth of the City.
- 2) Approval will not limit anyones access to public ways or places, and may in fact encourage safer access.
- 3) Land values will not be negatively impacted by vacation.

RESOLUTION

WHEREAS, LUTHERAN SOCIAL SERVICES INC, ST PAUL'S EV. LUTHERAN CHURCH AND THE INDIANA DISTRICT OF THE LUTHERAN CHURCH - MO SYNOD INC has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated public right-of-ways situated in Fort Wayne, Allen County, to-wit:

Madison Street from the east property line of Barr Street to the West property line of Lafayette Street, and the first alley east of Barr Street from the north property line of Lewis Street to the south property line of Madison Street.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on August 17, 1992 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated right-of-ways.

WHEREAS, said vacation of dedicated right-of-ways have been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right-of-ways hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right-of-ways hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated right-of-ways or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated right-of-ways in Allen County, Indiana.

STATE OF INDIANA)  
) SS:  
COUNTY OF ALLEN )

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, August 24, 1992 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 22nd DAY OF January 1993

FORT WAYNE CITY PLAN COMMISSION

  
Robert Hutner  
Secretary

RESOLUTION 80-108-2

WHEREAS, LUTHERAN SOCIAL SERVICES INC, ST PAUL'S EV. LUTHERAN CHURCH AND THE INDIANA DISTRICT OF THE LUTHERAN CHURCH - MO SYNOD INC has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated public right-of-ways situated in Fort Wayne, Allen County, to-wit:

Madison Street from the east property line of Barr Street to the West property line of Lafayette Street, and the first alley east of Barr Street from the north property line of Lewis Street to the south property line of Madison Street.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated right-of-ways have been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated right-of-ways hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated right-of-ways hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated right-of-ways or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

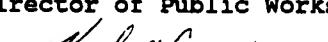
STATE OF INDIANA)  
) SS:  
COUNTY OF ALLEN )

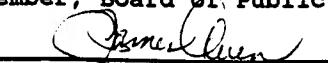
I, Charles E. Layton, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held \_\_\_\_\_ and as same appears of record in the official records of the Board of Public Works.

DATED THIS 3 DAY OF FEbruary 1993

FORT WAYNE BOARD OF PUBLIC WORKS

  
Charles E. Layton  
Director of Public Works

  
Katherine A. Carrier  
Member, Board of Public Works

  
C. James Owen  
Member, Board of Public Works